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FIRST NAMED INVENTOR ATTORNEY DOCKET NO. CONFIRMATION NO. APPLICATION NO. FILING DATE 10/22/1998 STEFAN JOOS 3528.38.USOO 8548 09/171,854 **EXAMINER** 09/22/2004 7590 ALBERT P HALLUIN SISSON, BRADLEY L **HOWREY & SIMON** ART UNIT PAPER NUMBER 1299 PENNSYLVANIA AVENUE NW BOX NO 34 1634 WASHINGTON, DC 200042402 DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Communication Re: Appeal | Application No. | Applicant(s) |
|--|---------------------------------|--|
| | 09/171,854 | JOOS ET AL. |
| | Examiner | Art Unit |
| | Bradley L. Sisson | 1634 |
| The MAILING DATE of this communication appe | ears on the cover sheet with | the correspondence address |
| 1. The Notice of Appeal filed on is not acc | eptable because: | |
| (a) it was not timely filed. | | |
| (b) the statutory fee for filing the appeal was | not submitted. See 37 CFR | 1.17(b). |
| (c) the appeal fee received on was no | ot timely filed. | |
| (d) the submitted fee of \$ is insufficieng | nt. The appeal fee required by | y 37 CFR 1.17(b) is \$ |
| (e) the appeal is not in compliance with 37 C rejection in this application. | CFR 1.191 in that there is no | record of a second or a final |
| (f) a Notice of Allowability, PTO-37, was ma | ailed by the Office on | |
| 2. The appeal brief filed on is NOT accept | able for the reason(s) indicat | ed below: |
| (a) the brief and/or brief fee is untimely. See | e 37 CFR 1.192. | |
| (b) the statutory fee for filing the brief has no | ot been submitted. See 37 C | FR 1.17(c). |
| (c) the submitted brief fee of \$ is insuf | fficient. The brief fee require | d by 37 CFR 1.17(c) is \$ |
| The appeal in this application will be dismissed brief and requisite fee. Extensions of time may | | |
| 3. The appeal in this application is DISMISSED to | pecause: | |
| (a) the statutory fee for filing the brief as req period for obtaining an extension of time | | |
| (b) the brief was not timely filed and the period CFR 1.136 has expired. | od for obtaining an extension | of time to file the brief under 37 |
| (c) Request for Continued Examination (RC | CE) under 37 CFR 1.114 was | filed on |
| (d) | | |
| 4. Because of the dismissal of the appeal, this appeal is the second of the appeal is the appeal i | oplication: | |
| (a) 🛛 is abandoned because there are no allow | ved claims. | |
| (b) is before the examiner for final dispositionon the merits remains CLOSED. | n because it contains allowed | d claims. Prosecution |
| (c) is before the examiner for consideration to 37 CFR 1.114. | , (| Station has been reopened pursuant Station Bradley L. Sisson |
| | F | Primary Examiner Art Unit: 1634 |